

STATE OF INDIANA) IN THE LAKE CIRCUIT/SUPERIOR COURT
) SS:
COUNTY OF LAKE) CAUSE NO. _____

STATE OF INDIANA,)

Plaintiff,)

v.)

REASONS MEDICAL, INC., and)
J. SCOTT O'KELLEY,)

Defendants.)

200110601PLC0012

Filed in Open Court

JAN 31 2006

Thomas R. Philpott
CLERK LAKE SUPERIOR COURT

TEMPORARY RESTRAINING ORDER

This matter having come before the Court on the Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, and the Court having considered the Plaintiff's motion, the affidavit of Kristy Ehrhardt attached thereto, and the allegations contained in the Plaintiff's Complaint in this action, now finds as follows:

1. The Defendants maintain a principal place of business in Lake County, Indiana.
2. In the course of their business, the Defendants operate as suppliers of medical supplies to consumers.
3. The Defendants are in the process of removing, transporting, or otherwise relocating clothing, medical supplies, inventory, equipment, and fixtures, currently located at the Defendants' principal place of business at 435 East Third Street, Hobart, Indiana.
4. The Defendants have previously offered medical supplies for sale to consumers.

5. Consumers, including but not limited to those identified in the Plaintiff's Complaint, have paid for medical supplies and have neither received the medical supplies they have purchased, nor have they received a refund.

6. Unless restrained from removing, transporting, or otherwise relocating clothing, medical supplies, inventory, equipment, and fixtures, currently located at the Defendants' principal place of business at 435 East Third Street, Hobart, Indiana, or from withdrawing funds currently on deposit with their financial institution, or transferring, delivering, or otherwise allowing the withdrawal of such funds, additional consumers will suffer an immediate and irreparable injury.

7. The inventory and property currently located at 435 East Third Street, Hobart, Indiana, as well as any funds currently on deposit with their financial institution, are likely the only assets owned by the Defendants.

8. Unless restrained from removing, transporting, or otherwise relocating clothing, medical supplies, inventory, equipment, and fixtures, or withdrawing funds currently on deposit with their financial institution, or from transferring, delivering, or otherwise allowing the withdrawal of such funds, consumers will suffer an immediate and irreparable injury resulting from the removal of the only assets available to satisfy the Plaintiff's claims.

9. The Defendants were notified of the Plaintiff's intent to file a Motion for Temporary Restraining Order by facsimile transmission upon the Defendants on January 31, 2006 at 5.30 a.m. / p.m. and via E-mail.

10. The Plaintiff is a governmental organization and is not required to offer security pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure and Ind. Code § 4-6-3-2(b).


11. The Plaintiff's Motion for Temporary Restraining Order should be granted.

IT IS THEREFORE ORDERED by the Court that the Defendants, Reasons Medical, Inc. and J. Scott O'Kelley, and their employees, agents, representatives, and any other person acting at the direction of the Defendants, be and hereby are temporarily restrained, pursuant to Rule 65 of the Indiana Rules of Trial Procedure, from removing, transporting, or otherwise relocating clothing, medical supplies, inventory, equipment, and fixtures, currently located at the Defendants' principal place of business at 435 East Third Street, Hobart, Indiana, or withdrawing funds currently on deposit with their financial institution, or transferring, delivering, or otherwise allowing the withdrawal of such funds.

IT IS FURTHER ORDERED that the Defendants are to appear and show cause at a hearing to be held on FEB. 10, 2006 at 10 o'clock a.m./p.m., or as soon thereafter as counsel may be heard, as to why a preliminary injunction should not be issued to preliminarily enjoin the Defendants, during the pendency of this action, from committing the acts restrained herein.

IT IS FURTHER ORDERED that the Plaintiff not be required to post security to obtain this Order pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure and Ind. Code § 4-6-3-2(b).

DATED: 1-31-06 AT NOON



Judge, Lake Circuit/Superior Court

Distribution:

Terry Tolliver
Office of the Attorney General
302 West Washington Street, IGCS 5th Floor
Indianapolis, IN 46204

J. Scott O'Kelley
435 East Third Street
Hobart, IN 46342

Reasons Medical, Inc.
c/o J. Scott O'Kelley
435 East Third Street
Hobart, IN 46342